

**HOUSE JOURNAL**  
**SIXTY-THIRD GENERAL ASSEMBLY**  
**STATE OF COLORADO**  
**Second Regular Session**

Seventieth Legislative Day

Tuesday, March 19, 2002

1 Prayer by Rabbi Hillel Goldberg, Executive Director Intermountain  
 2 Jewish News, Denver.

3  
 4 The Speaker called the House to order at 9:00 a.m.

5  
 6 The roll was called with the following result:

7  
 8 Present--65.

9  
 10 The Speaker declared a quorum present.

11 \_\_\_\_\_  
 12  
 13 On motion of Representative Madden, the reading of the journal of  
 14 March 18, 2002, was declared dispensed with and approved as corrected  
 15 by the Chief Clerk.

16 \_\_\_\_\_  
 17  
 18 **THIRD READING OF BILLS--FINAL PASSAGE**

19  
 20 The following bills were considered on Third Reading. The titles were  
 21 publicly read. Reading of the bill at length was dispensed with by  
 22 unanimous consent.

23  
 24 **SB02-007** by Senator(s) Hillman; also Representative(s) Kester--  
 25 Concerning county commissioner redistricting.

26  
 27 The question being "Shall the bill pass?".

28 A roll call vote was taken. As shown by the following recorded vote, a  
 29 majority of those elected to the House voted in the affirmative and the bill  
 30 was declared **passed**.

31  
 32 YES 65            NO 0            EXCUSED 0            ABSENT 0  
 33  
 34 Alexander            Y   Groff            Y   Marshall            Y   Spence            Y  
 35 Bacon                Y   Grossman            Y   Miller            Y   Spradley            Y  
 36 Berry                Y   Harvey            Y   Mitchell            Y   Stafford            Y  
 37 Borodkin            Y   Hefley            Y   Paschall            Y   Stengel            Y  
 38 Boyd                Y   Hodge            Y   Plant            Y   Swenson            Y  
 39 Cadman            Y   Hoppe            Y   Ragsdale            Y   Tapia            Y  
 40 Chavez            Y   Jahn            Y   Rhodes            Y   Tochtrop            Y  
 41 Clapp                Y   Jameson            Y   Rippy            Y   Veiga            Y  
 42 Cloer                Y   Johnson            Y   Romanoff            Y   Vigil            Y  
 43 Coleman            Y   Kester            Y   Saliman            Y   Webster            Y

1	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
2	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
3	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
4	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
5	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
6	Garcia	Y	Madden	Y	Snook	Y	Young	Y
7							Mr. Speaker	Y

8

9 Co-sponsors added: Representatives Garcia, Hoppe.

10

11 **SB02-026** by Senator(s) Nichol; also Representative(s) Cadman--  
 12 Concerning death and disability benefits for members of  
 13 the statewide death and disability plan for police officers  
 14 and firefighters.

15

16 The question being "Shall the bill pass?".

17 A roll call vote was taken. As shown by the following recorded vote, a  
 18 majority of those elected to the House voted in the affirmative and the bill  
 19 was declared **passed**.

20

21	YES	65	NO	0	EXCUSED	0	ABSENT	0
----	-----	----	----	---	---------	---	--------	---

22

23	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
24	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
25	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
26	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
27	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
28	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
29	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
30	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
31	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
32	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
33	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
34	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
35	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
36	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
37	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
38	Garcia	Y	Madden	Y	Snook	Y	Young	Y
39							Mr. Speaker	Y

40

41 Co-sponsors added: Representatives Boyd, Cloer, Coleman, Crane, Decker,  
 42 Fritz, Groff, Hefley, Hodge, Hoppe, Jahn, Kester, Mace, Madden, Marshall,  
 43 Miller, Ragsdale, Romanoff, Stengel, Tochtrop, Weddig, Mr. Speaker.

44

45 **SCR02-001** by Senator(s) Owen, Fitz-Gerald, Hagedorn, Isgar; also  
 46 Representative(s) Williams T., Miller, Spradley--  
 47 Submitting to the registered electors of the state of  
 48 Colorado an amendment to section 2 of article XI of the  
 49 constitution of the state of Colorado, concerning the  
 50 authorization for local governments to become a partner  
 51 with a public or private entity in the provision of health  
 52 care services, and, in connection therewith, authorizing a  
 53 local government to become a subscriber, member, or  
 54 shareholder in or a joint owner with any person or  
 55 company, public or private, in order to provide such health  
 56 care without incurring debt.

1 The question being "Shall the resolution pass?".  
 2 A roll call vote was taken. As shown by the following recorded vote, a  
 3 constitutional two-thirds majority of those elected to the House voted in  
 4 the affirmative and the resolution was declared **passed**.

5

6	YES	64	NO	1	EXCUSED	0	ABSENT	0
7								
8	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
9	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
10	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
11	Borodkin	Y	Hefley	Y	Paschall	N	Stengel	Y
12	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
13	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
14	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
15	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
16	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
17	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
18	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
19	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
20	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
21	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
22	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
23	Garcia	Y	Madden	Y	Snook	Y	Young	Y
24							Mr. Speaker	Y

25

26 Co-sponsors added: Representatives Boyd, Cloer, Hefley, Hoppe, Romanoff,  
 27 Tochtrop.

28

29 **HB02-1180** by Representative(s) Larson, Alexander, Boyd, Coleman,  
 30 Groff, Madden, Paschall, Stengel; also Senator(s)  
 31 Hernandez, Gordon, Taylor--Concerning the transfer of  
 32 moneys from the Colorado disabled telephone users fund  
 33 to the Colorado commission for the deaf and hard of  
 34 hearing cash fund for the purpose of implementing a  
 35 program for the deaf and hard of hearing, and making an  
 36 appropriation therefor.

37

38 The question being "Shall the bill pass?".  
 39 A roll call vote was taken. As shown by the following recorded vote, a  
 40 majority of those elected to the House voted in the affirmative and the bill  
 41 was declared **passed**.

42

43	YES	65	NO	0	EXCUSED	0	ABSENT	0
44								
45	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y
46	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
47	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
48	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
49	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
50	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
51	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
52	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
53	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
54	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
55	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
56	Daniel	Y	Larson	Y	Schultheis	Y	White	Y

1	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
2	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
3	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
4	Garcia	Y	Madden	Y	Snook	Y	Young	Y
5							Mr. Speaker	Y

6  
7 Co-sponsors added: Representatives Borodkin, Chavez, Hefley, Hodge, Jahn,  
8 Kester, Lawrence, Rippy, Schultheis, Snook, Tochtrop.

9  
10 **HB02-1254** by Representative(s) Webster; also Senator(s) Reeves--  
11 Concerning the "Public Securities Information Reporting  
12 Act".  
13

14 The question being "Shall the bill pass?".

15 A roll call vote was taken. As shown by the following recorded vote, a  
16 majority of those elected to the House voted in the affirmative and the bill  
17 was declared **passed**.

18	19	YES	65	NO	0	EXCUSED	0	ABSENT	0
21	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y	
22	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y	
23	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y	
24	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y	
25	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y	
26	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y	
27	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y	
28	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y	
29	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y	
30	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y	
31	Crane	Y	King	Y	Sanchez	Y	Weddig	Y	
32	Daniel	Y	Larson	Y	Schultheis	Y	White	Y	
33	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y	
34	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y	
35	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y	
36	Garcia	Y	Madden	Y	Snook	Y	Young	Y	
37							Mr. Speaker	Y	

38  
39 Co-sponsor added: Representative Kester.

40  
41 **HB02-1330** by Representative(s) Stengel; also Senator(s) Dyer--  
42 Concerning changes to the amount of the cash value of life  
43 insurance that is exempt from attachment by creditors.  
44

45 The question being "Shall the bill pass?".

46 A roll call vote was taken. As shown by the following recorded vote, a  
47 majority of those elected to the House voted in the affirmative and the bill  
48 was declared **passed**.

49	50	YES	64	NO	1	EXCUSED	0	ABSENT	0
51							Marshall	Y	Spence
52	Alexander	Y	Groff	Y	Miller	Y	Spradley	Y	
53	Bacon	Y	Grossman	Y	Mitchell	Y	Stafford	Y	
54	Berry	Y	Harvey	Y	Paschall	Y	Stengel	Y	
55	Borodkin	Y	Hefley	Y	Plant	Y	Swenson	Y	
56	Boyd	Y	Hodge	Y	Ragsdale	Y	Tapia	Y	

1	Cadman	Y	Hoppe	Y	Rhodes	Y	Tochtrop	Y
2	Chavez	Y	Jahn	Y	Rippy	Y	Veiga	Y
3	Clapp	Y	Jameson	Y	Romanoff	Y	Vigil	Y
4	Cloer	Y	Johnson	Y	Saliman	Y	Webster	Y
5	Coleman	Y	Kester	Y	Sanchez	Y	Weddig	Y
6	Crane	Y	King	Y	Schultheis	N	White	Y
7	Daniel	Y	Larson	Y	Scott	Y	Williams S.	Y
8	Decker	Y	Lawrence	Y	Sinclair	Y	Williams T.	Y
9	Fairbank	Y	Lee	Y	Smith	Y	Witwer	Y
10	Fritz	Y	Mace	Y	Snook	Y	Young	Y
11	Garcia	Y	Madden	Y			Mr. Speaker	Y

12  
13

14 Co-sponsors added: Representatives Cloer, Mace.

15

16 **SB02-032** by Senator(s) Teck; also Representative(s) Berry--  
17 Concerning the extension of the period that a portion of  
18 municipal taxes may be allocated to a special fund to pay  
19 indebtedness related to a downtown development  
20 authority.

21

22 The question being "Shall the bill pass?".

23 A roll call vote was taken. As shown by the following recorded vote, a  
24 majority of those elected to the House voted in the affirmative and the bill  
25 was declared **passed**.

26

27 YES 56            NO 9            EXCUSED 0            ABSENT 0

28

29	Alexander	Y	Groff	Y	Marshall	N	Spence	Y
30	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
31	Berry	Y	Harvey	Y	Mitchell	N	Stafford	Y
32	Borodkin	Y	Hefley	Y	Paschall	N	Stengel	Y
33	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
34	Cadman	N	Hoppe	Y	Ragsdale	Y	Tapia	Y
35	Chavez	Y	Jahn	Y	Rhodes	N	Tochtrop	Y
36	Clapp	N	Jameson	Y	Rippy	Y	Veiga	Y
37	Cloer	N	Johnson	Y	Romanoff	Y	Vigil	Y
38	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
39	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
40	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
41	Decker	Y	Lawrence	Y	Scott	N	Williams S.	Y
42	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
43	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
44	Garcia	Y	Madden	Y	Snook	Y	Young	Y
45							Mr. Speaker	N

46

47 Co-sponsors added: Representatives Ragsdale, Rippy, Smith, Swenson.

48

49

50 **SB02-106** by Senator(s) Anderson, Arnold; also Representative(s)  
51 Stafford, Bacon, Kester, Marshall, Miller, Snook--  
52 Concerning conformance of public employee retirement  
53 plans with the federal internal revenue code.

54

55

1 The question being "Shall the bill pass?".  
 2 A roll call vote was taken. As shown by the following recorded vote, a  
 3 majority of those elected to the House voted in the affirmative and the bill  
 4 was declared **passed**.

5

6	YES	65	NO	0	EXCUSED	0	ABSENT	0	
7									
8	Alexander	Y	Groff	Y	Marshall	Y	Spence	Y	
9	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y	
10	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y	
11	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y	
12	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y	
13	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y	
14	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y	
15	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y	
16	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y	
17	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y	
18	Crane	Y	King	Y	Sanchez	Y	Weddig	Y	
19	Daniel	Y	Larson	Y	Schultheis	Y	White	Y	
20	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y	
21	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y	
22	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y	
23	Garcia	Y	Madden	Y	Snook	Y	Young	Y	
24								Mr. Speaker	Y

25  
 26  
 27  
 28 **HB02-1332** by Representative(s) Harvey, Hefley, Alexander, Cadman,  
 29 Clapp, Cloer, Coleman, Crane, Dean, Decker, Fairbank,  
 30 Fritz, Hoppe, Jahn, Johnson, Kester, King, Lee, Mace,  
 31 Miller, Mitchell, Paschall, Rhodes, Rippy, Schultheis,  
 32 Scott, Sinclair, Smith, Snook, Spradley, Stafford, Stengel,  
 33 Swenson, Webster, White, Williams T., Witwer, Young;  
 34 also Senator(s) Musgrave--Concerning the requirement of  
 35 a daily recitation of the pledge of allegiance in each public  
 36 school in the state.

37  
 38 The question being "Shall the bill pass?".  
 39 A roll call vote was taken. As shown by the following recorded vote, a  
 40 majority of those elected to the House voted in the affirmative and the bill  
 41 was declared **passed**.

42

43	YES	50	NO	15	EXCUSED	0	ABSENT	0
44								
45	Alexander	Y	Groff	N	Marshall	N	Spence	Y
46	Bacon	N	Grossman	N	Miller	Y	Spradley	Y
47	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
48	Borodkin	N	Hefley	Y	Paschall	Y	Stengel	Y
49	Boyd	Y	Hodge	N	Plant	N	Swenson	Y
50	Cadman	Y	Hoppe	Y	Ragsdale	N	Tapia	Y
51	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
52	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	N
53	Cloer	Y	Johnson	Y	Romanoff	N	Vigil	N
54	Coleman	Y	Kester	Y	Saliman	N	Webster	Y
55	Crane	Y	King	Y	Sanchez	N	Weddig	N
56	Daniel	Y	Larson	Y	Schultheis	Y	White	Y

1	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
2	Fairbank	Y	Lee	Y	Sinclair	Y	Williams T.	Y
3	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
4	Garcia	Y	Madden	N	Snook	Y	Young	Y
5							Mr. Speaker	Y

6  
7 Co-sponsors added: Representatives Larson, Lawrence, Spence, Williams S.  
8  
9

10  
11 On motion of Representative Rhodes, the House resolved itself into  
12 Committee of the Whole for consideration of General Orders, and she  
13 was called to the Chair to act as Chairman.  
14

15  
16 **GENERAL ORDERS--SECOND READING OF BILLS**  
17

18 The Committee of the Whole having risen, the Chairman reported the  
19 titles of the following bills had been read (reading at length had been  
20 dispensed with by unanimous consent), the bills considered and action  
21 taken thereon as follows:  
22

23 (Amendments to the committee amendment are to the printed committee  
24 report which was printed and placed in the members' bill file.)  
25

26 On motion of Representative Spradley, Consideration of **HB02-1015,**  
27 **1343, 1010** was laid over until March 20, retaining place on Calendar.  
28

29  
30 **SB02-122** by Senator(s) Chlouber; also Representative(s) Larson--  
31 Concerning the motorcycle operator safety training fund.  
32

33 Ordered revised and placed on the Calendar for Third Reading and Final  
34 Passage.  
35

36 **HB02-1357** by Representative(s) Rippy; also Senator(s) Isgar--  
37 Concerning modification of the requirements relating to  
38 notification of surface development to owners of severed  
39 mineral estates.  
40

41 Amendment No. 1, Agriculture, Livestock, & Natural Resources Report,  
42 dated March 6, 2002, and placed in member's bill file; Report also printed  
43 in House Journal, March 7, page 754.  
44

45 Amendment No. 2, by Representative Rippy.  
46

47 Amend printed bill, page 3, strike "24-65.5-103," and substitute "The  
48 introductory portion to 24-65.5-103 (2) (a),";  
49

50 line 4, strike "amended" and substitute "amended, and the said 24-65.5-  
51 103 is further amended";  
52

53 after line 11, insert the following:  
54

55 "(2) (a) The applicant shall identify the mineral estate owner by  
56 examining the records in the office of the county clerk and recorder of the

- 1 county in which the real property is located. Notice shall be sent to the  
2 LAST KNOWN ADDRESS OF THE mineral estate owner if the records in the  
3 office of the county clerk and recorder establish:".  
4  
5 As amended, ordered engrossed and placed on the Calendar for Third  
6 Reading and Final Passage.  
7  
8  
9 **HB02-1347** by Representative(s) Snook; also Senator(s) Hernandez--  
10 Concerning the exclusion of certain workers'  
11 compensation cash funds from the limitation on the  
12 amount of uncommitted moneys that may be retained in a  
13 cash fund.  
14  
15 Ordered engrossed and placed on the Calendar for Third Reading and  
16 Final Passage.  
17  
18 **SB02-145** by Senator(s) Owen; also Representative(s) Kester--  
19 Concerning retirement incentives to retain qualified  
20 teachers in the state, and, in connection therewith,  
21 establishing a post-retirement teaching incentive plan for  
22 public school teachers.  
23  
24 Amendment No. 1, Education Report, dated March 6, 2002, and placed  
25 in member's bill file; Report also printed in House Journal, March 7,  
26 page 755.  
27  
28 Amendment No. 2, by Representative Kester.  
29  
30 Amend the Education Committee Report, dated March 6, 2002, page 1,  
31 line 3, before "TEACHER", insert "OR".  
32  
33 Amendment No. 3, by Representative Kester.  
34  
35 Amend reengrossed bill, page 5, line 1, after "THOUSAND", insert "FIVE  
36 HUNDRED".  
37  
38 As amended, ordered revised and placed on the Calendar for Third  
39 Reading and Final Passage.  
40  
41  
42 **HB02-1321** by Representative(s) Crane, Daniel, Sanchez; also  
43 Senator(s) Phillips--Concerning the regulation of games of  
44 chance by the secretary of state.  
45  
46 Amendment No. 1, State, Veterans, & Military Affairs Report, dated  
47 February 21, 2002, and placed in member's bill file; Report also printed  
48 in House Journal, February 25, pages 534-542.  
49  
50 Amendment No. 2, Appropriations Report, dated March 8, 2002, and  
51 placed in member's bill file; Report also printed in House Journal,  
52 March 8, pages 768-769.  
53  
54 Amendment No. 3, by Representative Crane.  
55  
56 Amend the Appropriations Committee report, dated March 8, 2002, page



1 1, line 11, strike "24-21-104 (3) (b)," and substitute "24-21-104 (3) (j)  
2 (I),".  
3

4 Page 2, line 11, strike "24-21-104 (3) (b)," and substitute "24-21-104 (3)  
5 (j) (I),".  
6

7 Amendment No. 4, by Representative Crane.  
8

9 Amend the State, Veterans, & Military Affairs Committee Report, dated  
10 February 21, 2002, page 2, strike lines 11 through 13 and substitute the  
11 following:  
12

13 **"SECTION 2.** 12-9-102.5, Colorado Revised Statutes, is  
14 amended to read:";  
15

16 line 15, after "that", insert "PRIZE PROMOTIONS INVOLVING";  
17

18 line 21, strike "subsection (2) of" and substitute "~~subsection (2) of~~";  
19

20 strike lines 22 through 33 and substitute the following:  
21

22 "(2) No ~~allotment~~ AWARD of prizes by chance for a purpose set  
23 forth in subsection (1) of this section shall be deemed a lottery or game  
24 of chance, nor shall any share or ticket or right to participate in such  
25 ~~allotment~~ AWARD OF PRIZES be deemed to have been sold or charged for,  
26 notwithstanding that such ~~allotment~~ AWARD is made to persons who have  
27 paid a fee entitling them to general admission to the grounds or premises  
28 on which such ~~allotment~~ AWARD is made, if each share or ticket by means  
29 of which the ~~allotment~~ AWARD is made is given away free of charge and  
30 without any obligation on the part of the person receiving it.  
31

32 (3) (Deleted by amendment, L. 99, p. 1411, § 1, effective June 5,  
33 1999.)  
34

35 (4) (a) NOTWITHSTANDING SUBSECTION (2) OF THIS SECTION, AND  
36 EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (d) OF THIS SUBSECTION  
37 (4), THIS SECTION SHALL NOT AUTHORIZE THE AWARD OF A CASH PRIZE,  
38 ANY PRIZE THAT IS REDEEMABLE FOR CASH, OR ANY PRIZE OF A PRODUCT  
39 OR SERVICE, IN AN AMOUNT OR VALUE GREATER THAN ONE THOUSAND  
40 DOLLARS BY ANY LANDLORD LICENSEE AT PREMISES WHERE GAMES OF  
41 CHANCE ARE CONDUCTED, WHETHER OR NOT A FEE IS PAID FOR ADMISSION  
42 TO THE PREMISES AS A CONDITION OF PARTICIPATING IN AN AWARD OF  
43 PRIZES AS SET FORTH IN SUBSECTION (2) OF THIS SECTION. WITHIN TEN  
44 DAYS AFTER THE AWARD OF ANY PRIZE, THE LANDLORD LICENSEE SHALL  
45 FILE WITH THE LICENSING AUTHORITY A WRITTEN REPORT CONTAINING A  
46 DESCRIPTION OF THE PRIZE, THE VALUE OF THE PRIZE, AND SUCH OTHER  
47 INFORMATION AS THE LICENSING AUTHORITY MAY REQUIRE BY RULE. ANY  
48 PRIZE OFFERED PURSUANT TO THIS SECTION SHALL BE AWARDED BY THE  
49 END OF THE CALENDAR QUARTER IN WHICH IT WAS OFFERED.  
50

51 (b) A LANDLORD LICENSEE MAY CONDUCT A PRIZE PROMOTION ON  
52 ITS PREMISES EITHER BEFORE OR AFTER A BINGO-RAFFLE LICENSEE'S BINGO  
53 OCCASION. A LANDLORD LICENSEE MAY CONDUCT A PROMOTION DURING  
54 AN OCCASION HELD ON ITS PREMISES IF THE PROMOTION AND ITS COST, IF  
55 ANY, TO THE BINGO-RAFFLE LICENSEE IS CLEARLY DISCLOSED IN THE  
56 RENTAL AGREEMENT PURSUANT TO RULES ADOPTED BY THE LICENSING

1 AUTHORITY. A LANDLORD LICENSEE SHALL NOT REQUIRE A BINGO-RAFFLE  
2 LICENSEE TO PARTICIPATE IN OR CONDUCT A PROMOTION UNDER THIS  
3 SECTION, NOR MAY A GAMES MANAGER FOR ANY OCCASION ASSIST IN ANY  
4 SUCH PROMOTION CONDUCTED DURING AN OCCASION. PRIZES OFFERED AS  
5 PART OF A PROMOTION SHALL NOT BE CONSIDERED AS PART OF THE PRIZES  
6 SUBJECT TO LIMITATION UNDER SECTION 12-9-107 (13).

7  
8 (c) BEFORE CONDUCTING A PROMOTION UNDER THIS SECTION, THE  
9 LANDLORD LICENSEE SHALL PROVIDE EVIDENCE OF OWNERSHIP, FREE AND  
10 CLEAR, OF THE PRIZES TO BE OFFERED UNLESS ALL SUCH PRIZES ARE  
11 AVAILABLE FOR VIEWING ON THE PREMISES ON THE DAY THEY ARE TO BE  
12 AWARDED. THE LANDLORD LICENSEE OFFERING ANY PROMOTIONAL PRIZE  
13 SHALL DISCLOSE, AT THE BEGINNING OF THE PROMOTION, FULL AND  
14 COMPLETE INFORMATION IDENTIFYING THE PRIZES TO BE AWARDED AND  
15 THE METHOD BY WHICH SUCH PRIZES MAY BE WON. THIS DISCLOSURE NEED  
16 NOT BE MADE SEPARATELY OR PERSONALLY TO EACH PARTICIPANT, BUT  
17 MAY BE MADE BY CONSPICUOUSLY POSTING OR DISPLAYING, AT THE  
18 PREMISES WHERE THE PROMOTION IS BEING CONDUCTED, EITHER THE  
19 AVAILABLE PRIZES THEMSELVES OR A LIST AND COMPLETE DESCRIPTION OF  
20 THE PRIZES AND THE METHOD BY WHICH THEY MAY BE WON."

21  
22 Page 3, line 1, strike "(b)" and substitute "(d)".

23  
24 Page 8, strike line 2 and substitute the following:

25  
26 **"SECTION 11.** 12-9-107 (9) (a) and (13), Colorado Revised  
27 Statutes, are";

28  
29 strike line 5 and substitute the following:

30  
31 **"premises - equipment - expenses.** (9) (a) Equipment, prizes, and  
32 supplies for games of bingo shall not be purchased or sold at prices in  
33 excess of the usual price thereof. A LICENSEE SHALL NOT SELL OR OFFER  
34 FOR SALE ANY GAME OF CHANCE OR SUPPLIES FOR A GAME OF CHANCE  
35 THAT IS NOT AUTHORIZED BY THIS ARTICLE OR BY RULES ADOPTED BY THE  
36 LICENSING AUTHORITY PURSUANT TO THIS ARTICLE.

37  
38 (13) (a) No prize greater, in amount".

39  
40 Page 9, strike lines 16 through 27 and substitute the following:

41  
42 "(g) THE LICENSING AUTHORITY SHALL ESTABLISH, BY RULE,  
43 SAFEGUARDS TO PROTECT THE BINGO-RAFFLE LICENSEE'S PLAYERS  
44 AGAINST DEFAULTS IN CHARITABLE GAMING DEBTS OWED OR TO BECOME  
45 PAYABLE BY THE BINGO-RAFFLE LICENSEE."

46  
47 Page 10, strike lines 26 through 29.

48  
49 Page 11, strike lines 1 and 2.

50  
51 Renumber succeeding sections accordingly.

52  
53 As amended, ordered engrossed and placed on the Calendar for Third  
54 Reading and Final Passage.

55

1 On motion of Representative Spradley, the remainder of the General  
 2 Orders Calendar (**SB02-038, 139, 158, HB02-1119, 1296, SB02-124,**  
 3 **136, HB02-1359, SB02-166, 020, 021, 036, 112, 064, 165, HB02-1341,**  
 4 **SB02-069, 104, HB02-1025, 1101, 1159, 1300, 1309, 1348, 1339, 1353,**  
 5 **SB02-004, 013, 146, 023, SCR02-002, HB02-1338**) was laid over until  
 6 March 20, retaining place on Calendar.

7  
 8  
 9

## 10 ADOPTION OF COMMITTEE OF THE WHOLE REPORT

11  
 12 Passed Second Reading: **SB02-122, HB02-1357 amended, 1347,**  
 13 **SB02-145 amended, 1321 amended.**

14  
 15 Laid over until date indicated retaining place on Calendar: **HB02-1015,**  
 16 **1343, 1010, SB02-038, 139, 158, HB02-1119, 1296, SB02-124, 136,**  
 17 **HB02-1359, SB02-166, 020, 021, 036, 112, 064, 165, HB02-1341,**  
 18 **SB02-069, 104, HB02-1025, 1101, 1159, 1300, 1309, 1348, 1339, 1353,**  
 19 **SB02-004, 013, 146, 023, SCR02-002, HB02-1338--March 20, 2002.**

20

21 The Chairman moved the adoption of the Committee of the Whole  
 22 Report. As shown by the following roll call vote, a majority of those  
 23 elected to the House voted in the affirmative, and the Report was  
 24 **adopted.**

25

26	YES 62	NO 0	EXCUSED 3	ABSENT 0				
28	Alexander	Y	Groff	Y	Marshall	E	Spence	Y
29	Bacon	Y	Grossman	Y	Miller	Y	Spradley	Y
30	Berry	Y	Harvey	Y	Mitchell	Y	Stafford	Y
31	Borodkin	Y	Hefley	Y	Paschall	Y	Stengel	Y
32	Boyd	Y	Hodge	Y	Plant	Y	Swenson	Y
33	Cadman	Y	Hoppe	Y	Ragsdale	Y	Tapia	Y
34	Chavez	Y	Jahn	Y	Rhodes	Y	Tochtrop	Y
35	Clapp	Y	Jameson	Y	Rippy	Y	Veiga	Y
36	Cloer	Y	Johnson	Y	Romanoff	Y	Vigil	Y
37	Coleman	Y	Kester	Y	Saliman	Y	Webster	Y
38	Crane	Y	King	Y	Sanchez	Y	Weddig	Y
39	Daniel	Y	Larson	Y	Schultheis	Y	White	Y
40	Decker	Y	Lawrence	Y	Scott	Y	Williams S.	Y
41	Fairbank	Y	Lee	Y	Sinclair	E	Williams T.	Y
42	Fritz	Y	Mace	Y	Smith	Y	Witwer	Y
43	Garcia	Y	Madden	E	Snook	Y	Young	Y
44							Mr. Speaker	Y

45

46

47

48

## 49 REPORTS OF COMMITTEES OF REFERENCE

50

### 51 EDUCATION

52 After consideration on the merits, the Committee recommends the  
 53 following:

54

55 **HB02-1363** be referred favorably to the Committee on Appropriations.

56

1 **SB02-059** be amended as follows, and as so amended, be referred to  
2 the Committee on Appropriations with favorable  
3 recommendation:  
4

5 Amend reengrossed bill, page 3, line 2, strike "PARENTS," and substitute  
6 "PARENTS OR LEGAL GUARDIANS,";  
7

8 strike lines 5 through 13 and substitute the following:

9 "IMPROVEMENT IN SPECIFIC AREAS. IN ADDITION, THE DEPARTMENT SHALL  
10 ENSURE THAT THE ASSESSMENTS AND THE FORM IN WHICH THE  
11 ASSESSMENT RESULTS ARE REPORTED REFLECT THE RECOMMENDATIONS  
12 OF THE TASK FORCE APPOINTED BY THE GOVERNOR TO REVIEW THE  
13 ASSESSMENT REPORTING FORMAT AND USE OF THE ASSESSMENT RESULTS.";  
14

15 line 15, strike "PARENTS," and substitute "PARENTS OR LEGAL  
16 GUARDIANS,";  
17

18 line 17, strike "PARENTS" and substitute "PARENTS OR LEGAL GUARDIANS";  
19

20 strike lines 20 and 21 and substitute the following:  
21

22 "(V) EACH DISTRICT BOARD SHALL ADOPT POLICIES TO ENSURE  
23 THAT APPROPRIATE PERSONNEL WITHIN THE DISTRICT SHARE WITH AND".  
24  
25  
26  
27

## 28 **HEALTH, ENVIRONMENT, WELFARE, & INSTITUTIONS**

29 After consideration on the merits, the Committee recommends the  
30 following:  
31

32 **HB02-1090** be amended as follows, and as so amended, be referred to  
33 the Committee of the Whole with favorable  
34 recommendation:  
35

36 Strike the Health, Environment, Welfare, & Institutions committee report  
37 dated January 21, 2002, and substitute the following:  
38

39 Amend printed bill, strike everything below the enacting clause, and  
40 substitute the following:  
41

42 "SECTION 1. 12-38.1-102, Colorado Revised Statutes, is  
43 amended BY THE FOLLOWING NEW SUBSECTIONS to read:  
44

45 **12-38.1-102. Definitions.** As used in this article, unless the  
46 context otherwise requires:  
47

48 (3.5) "HOME HEALTH AGENCY" MEANS A PROVIDER OF HOME  
49 HEALTH SERVICES, AS DEFINED IN SECTION 26-4-103 (6), C.R.S., THAT IS  
50 CERTIFIED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.  
51

52 (4.5) "NURSING FACILITY" SHALL HAVE THE SAME MEANING AS SET  
53 FORTH IN SECTION 26-4-103 (11), C.R.S.  
54

55 **SECTION 2.** Article 38.1 of title 12, Colorado Revised Statutes,  
56 is amended BY THE ADDITION OF A NEW SECTION to read:

- 1           **12-38.1-110.3. Medication administration advisory committee**  
2 **- created - department of regulatory agencies report.** (1) THE  
3 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REGULATORY AGENCIES  
4 SHALL APPOINT AN ADVISORY COMMITTEE TO ASSIST WITH A STUDY OF THE  
5 ADMINISTRATION OF MEDICATION BY CERTIFIED NURSE AIDES IN NURSING  
6 FACILITIES AND THROUGH HOME HEALTH CARE AGENCIES.  
7  
8           (2) THE ADVISORY COMMITTEE SHALL CONSIST OF ELEVEN  
9 MEMBERS AS FOLLOWS:  
10  
11           (a) ONE REPRESENTATIVE FROM THE DIVISION OF REGISTRATIONS  
12 IN THE DEPARTMENT OF REGULATORY AGENCIES;  
13  
14           (b) ONE GERIATRIC PHYSICIAN LICENSED PURSUANT TO ARTICLE 36  
15 OF THIS TITLE;  
16  
17           (c) ONE PHARMACIST EXPERIENCED IN THE DELIVERY OF  
18 PHARMACEUTICAL PRODUCTS IN A HEALTH CARE-BASED SETTING WHO IS  
19 LICENSED PURSUANT TO ARTICLE 22 OF THIS TITLE;  
20  
21           (d) ONE ADVOCATE WHO REPRESENTS THE RESIDENTS OR PATIENTS  
22 IN NURSING FACILITIES;  
23  
24           (e) ONE HOME HEALTH CARE NURSE;  
25  
26           (f) ONE DIRECTOR OF A HOME HEALTH AGENCY;  
27  
28           (g) ONE DIRECTOR OF A NURSING HOME LOCATED IN AN URBAN  
29 AREA;  
30  
31           (h) ONE DIRECTOR OF A NURSING HOME LOCATED IN A RURAL  
32 AREA;  
33  
34           (i) ONE REGISTERED NURSE WHO HAS EXPERIENCE TEACHING  
35 MEDICATION ADMINISTRATION;  
36  
37           (j) ONE REGISTERED NURSE WHO HAS EXPERIENCE TEACHING THE  
38 CERTIFIED NURSE AIDE PROGRAM; AND  
39  
40           (k) ONE CLINICAL RESEARCHER WHO HAS STUDIED CARE DELIVERY  
41 IN LONG-TERM SETTINGS AND IN HOME HEALTH CARE.  
42  
43           (3) THE MEMBERS APPOINTED TO THE ADVISORY COMMITTEE  
44 PURSUANT TO SUBSECTION (2) OF THIS SECTION SHALL NOT RECEIVE  
45 COMPENSATION FOR THEIR SERVICES.  
46  
47           (4) FOR THE PURPOSES OF THE REVIEW PROVIDED IN SECTIONS  
48 12-38.1-120 AND 24-34-104, C.R.S., THE ADVISORY COMMITTEE SHALL  
49 PROVIDE INPUT TO THE DEPARTMENT OF REGULATORY AGENCIES  
50 REGARDING THE ISSUE OF ALLOWING CERTIFIED NURSE AIDES TO  
51 ADMINISTER MEDICATIONS IN NURSING FACILITIES AND THROUGH HOME  
52 HEALTH AGENCIES. AFTER SUCH REVIEW, THE REPORT BY THE  
53 DEPARTMENT OF REGULATORY AGENCIES REQUIRED PURSUANT TO SECTION  
54 24-34-104 (8), C.R.S., SHALL INCLUDE, BUT NOT BE LIMITED TO, THE  
55 FOLLOWING:  
56

1 (a) THE BENEFITS AND RISKS ASSOCIATED WITH TRAINING  
2 CERTIFIED NURSE AIDES TO BECOME MEDICATION AIDES;

3  
4 (b) THE EFFECT OF THE USE OF MEDICATION AIDES ON THE LEVEL  
5 OF PATIENT CARE;

6  
7 (c) THE LEVEL OF EXPERIENCE A CERTIFIED NURSE AIDE MUST HAVE  
8 IN ORDER TO BE CONSIDERED FOR TRAINING AS A MEDICATION AIDE;

9  
10 (d) THE EXTENT AND CONTENT OF CLASSROOM TRAINING AND  
11 EDUCATION REQUIRED TO BE A MEDICATION AIDE; AND

12  
13 (e) THE EXTENT AND LIMIT TO THE SCOPE OF PRACTICE OF A  
14 CERTIFIED NURSE AIDE WHO HAS COMPLETED TRAINING AS A MEDICATION  
15 AIDE.

16  
17 **SECTION 3. Safety clause.** The general assembly hereby finds,  
18 determines, and declares that this act is necessary for the immediate  
19 preservation of the public peace, health, and safety."

20  
21  
22  
23 **SB02-041** be amended as follows, and as so amended, be referred to  
24 the Committee of the Whole with favorable  
25 recommendation:

26  
27 Amend reengrossed bill, page 2, line 14, after "OPERATION," insert  
28 "REGARDLESS OF THE AMOUNT OF HAZARDOUS WASTE TREATED  
29 ANNUALLY,".

30  
31 Page 5, line 18, strike "section," and substitute "section AND SECTION  
32 25-15-507,".

33  
34 Page 6, line 4, strike "jurisdiction, which" and substitute "jurisdiction.  
35 which SUCH FEE";

36  
37 line 6, strike "process." and substitute "process IMPOSED BY THIS  
38 ARTICLE.";

39  
40 line 7, strike "hearing process" and substitute "APPLICATION REVIEW AND  
41 hearing process IMPOSED BY THIS ARTICLE";

42  
43 line 8, strike "dollars and may be refunded in whole or in", and substitute  
44 "dollars. ~~and may be refunded in whole or in part.~~ THE LOCAL  
45 GOVERNING BODY HAVING JURISDICTION SHALL PROVIDE AN ACCOUNTING  
46 OF THE ACTUAL COSTS INCURRED BY SUCH BODY IN THE APPLICATION  
47 REVIEW AND HEARING PROCESS AND SHALL REFUND ANY PAYMENT IN  
48 EXCESS OF SUCH COSTS WITHIN NINETY DAYS AFTER COMPLETION OF THE  
49 CERTIFICATION PROCESS.";

50  
51 strike line 9.

52  
53 Page 12, strike lines 21 through 23 and substitute the following:

54  
55 "**processor sites.** (1) ~~Each hazardous waste incinerator site shall be~~  
56 ~~physically and structurally accessible at all times for inspection by the~~

1 ~~department.~~ The department shall conduct inspections".

2

3 Page 13, line 6, after the period, add "UNLESS AN EMERGENCY EXISTS AT  
4 SUCH SITE, OR UNLESS THE DEPARTMENT HAS REASON TO BELIEVE THAT  
5 UNLAWFUL ACTIVITY IS BEING CONDUCTED OR WILL BE CONDUCTED AT  
6 SUCH SITE, THE DEPARTMENT SHALL PROVIDE PRIOR NOTIFICATION OF THE  
7 INSPECTION AND SHALL CONDUCT SUCH INSPECTION DURING NORMAL  
8 BUSINESS HOURS.";

9

10 line 18, after "issued", insert "PURSUANT TO THIS ARTICLE";

11

12 line 19, strike "a federal or state permit, to pay to" and substitute "a  
13 federal or state ~~permit~~ PERMITS, to pay to";

14

15 line 22, strike "Such increased services" and substitute "THE GOVERNING  
16 BODY HAVING JURISDICTION SHALL PROVIDE THE OWNER OR OPERATOR OF  
17 SUCH HAZARDOUS WASTE INCINERATOR OR PROCESSOR WITH AN  
18 ACCOUNTING OF THE BASIS OF SUCH FEES. ~~Such increased services~~  
19 COSTS".

20

21 Page 14, line 9, strike "REQUIRE" and substitute "REQUEST THAT";

22

23 line 12, after the period, add "SUCH LUMP SUM PAYMENT SHALL NOT BE  
24 MADE UNLESS THE GOVERNING BODY HAVING JURISDICTION AND THE  
25 OWNER OR OPERATOR OF A HAZARDOUS WASTE INCINERATOR OR  
26 PROCESSOR AGREE TO SUCH PAYMENT.".

27

28

29

30

### 31 **LOCAL GOVERNMENT**

32 After consideration on the merits, the Committee recommends the  
33 following:

34

35 **SB02-103** be referred to the Committee of the Whole with favorable  
36 recommendation.

37

38

39 **SB02-150** be amended as follows, and as so amended, be referred to  
40 the Committee on State, Veterans, & Military Affairs with  
41 favorable recommendation:

42

43 Amend reengrossed bill, page 3, strike lines 5 and 6.

44

45 Renumber succeeding subsections accordingly.

46

47 Page 4, strike lines 26 and 27 and substitute "PROJECT SELECTION, MAY  
48 BE RESOLVED BY ANY PROCEDURE PROVIDED BY LAW FOR THE RESOLUTION  
49 OF DISPUTES AMONG LOCAL GOVERNMENTS.".

50

51 Strike page 5 and substitute the following:

52

53 **"SECTION 2. Effective date.** This act shall take effect at 12:01  
54 a.m. on the day following the expiration of the ninety-day period after  
55 final adjournment of the general assembly that is allowed for submitting  
56 a referendum petition pursuant to article V, section 1 (3) of the state

1 constitution; except that, if a referendum petition is filed against this act  
 2 or an item, section, or part of this act within such period, then the act,  
 3 item, section, or part, if approved by the people, shall take effect on the  
 4 date of the official declaration of the vote thereon by proclamation of the  
 5 governor.".

---

7  
 8 **PRINTING REPORT**

9  
 10 The Chief Clerk reports the following bill has been correctly printed:  
 11 **HB02-1401.**

---

13  
 14  
 15 **SIGNING OF BILLS - RESOLUTIONS - MEMORIALS**

16  
 17 The Speaker has signed: **HB02-1077, 1092, 1093, 1121, 1154, 1158,**  
 18 **1167, 1177, 1223, 1231.**

---

21  
 22 **MESSAGE FROM THE SENATE**

23 Mr. Speaker:

24  
 25 The Senate has passed on Third Reading and returns herewith  
 26 HB02-1022, 1087, 1282, 1059, 1181.

27  
 28 The Senate has passed on Third Reading and transmitted to the Revisor  
 29 of Statutes:

30  
 31 HB02-1053, amended as printed in Senate Journal, March 8, page 429  
 32 and March 18;

33 HB02-1111, amended as printed in Senate Journal, March 15, page 481;

34 HB02-1071, amended as printed in Senate Journal, March 15, page 481;

35 HB02-1305, amended as printed in Senate Journal, March 15, page 482.

---

37  
 38 **MESSAGE FROM THE REVISOR**

39  
 40 We herewith transmit without comment, as amended, HB02-1053, 1111,  
 41 1071, and 1305.

---

44  
 45 **INTRODUCTION OF BILL**  
 46 **First Reading**

47  
 48 The following bill was read by title and referred to the committee  
 49 indicated:

50  
 51 **HB02-1402** by Representative(s) Crane, Rhodes, Schultheis, Clapp,  
 52 Cloer, Hefley, Spradley, Stafford; also Senator(s) Owen--  
 53 Concerning authorization for disease management  
 54 programs under the "Colorado Medical Assistance Act".  
 55 Committee on Health, Environment, Welfare, & Institutions

56



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**LAY OVER OF CALENDAR ITEMS**

On motion of Representative Spradley, the following items on the Calendar were laid over until March 20, retaining place on Calendar:

Consideration of Resolutions--**HJR02-1027, 1029, SJR02-012, HJR02-1030.**

Consideration of Senate Amendments--**HB02-1041, 1153, 1061, 1050, 1168.**



On motion of Representative Spradley, the House adjourned until 9:00 a.m., March 20, 2002.

Approved:

DOUG DEAN,  
Speaker

Attest:

JUDITH RODRIGUE,  
Chief Clerk